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50. (NEW) The massaging apparatus of claim 49 wherein said radiant heat source provides radiant heat having a wavelength in the range of 600 nm to 1500 nm.

Visible to
IR radiation

51. (NEW) A method for reducing affects on appearance of a region of a person's skin resulting from cellulite deposits underlying the region comprising:

illuminating the skin region with radiant heat that penetrates the skin and heats the underlying cellulite;

rolling rotatable massaging elements over the region to mechanically manipulate the region and the underlying cellulite; and

sucking the region and underlying cellulite with a vacuum.

52. (NEW) A method according to claim 51 wherein illuminating the region with radiant heat comprises illuminating the region with light having a wavelength in the range from 600 nm to 1500 nm.

REMARKS

The title change is made in response to the Examiner's comment in paragraph 1 of the Office Action that the old title is not descriptive of the invention.

Whereas the old claim set contains 47 claims, of which claims 1, 31, 45, and 47 are independent claims, the new claim set contains 5 claims, of which claims 48 and 51 are independent claims. All the claims of the old claim set are cancelled.

None of the new claims recites an element or feature that is not shown in a drawing filed with the application and therefore there is no need to amend the drawings in response to the Examiners objection under 37 CFR 1.83(a) noted in paragraph 2 of the Office Action.

The cancellation of all the old claims obviates a necessity to respond to the Examiners rejections under 35 U.S.C. § 112, 35 U.S.C. § 102 and 35 U.S.C. § 103, as they pertain to the old claim set except as such objections may be relevant to the new claims.

New independent claim 48 recites the limitations of a rotatable massaging element and a radiant heat source recited in old claim 1 and the limitation of a vacuum recited in old claim 21. Applicants submit that while documents cited by the Examiner anticipate either a massaging element in combination with a radiant heater or a massaging element in combination with a vacuum, none of the documents anticipates the combination recited in new claim 48 of the three features: a massaging element, a vacuum and a radiant heater. The applicants therefore submit that the invention defined by new claim 48 is novel.

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In section 14 of the Office Action the Examiner points out that Blecker (US 6,017,320) teaches a massaging apparatus comprising rollers and a suction chamber and that Cheng (US 5,336,159) teaches a massaging apparatus comprising a source of infrared radiant heat. The Examiner concludes that it would be obvious for a person of ordinary skill in the art to combine Blecker and Cheng to provide a massager with the three features recited in new claim 48. Applicants respectfully traverse the Examiner's conclusion.

Applicants point out that neither Blecker nor Cheng, nor any of the other prior art cited by the Examiner, suggests or indicates in any manner a desirability of combining heat, vacuum and massage elements in a massage device. None of the cited documents teaches or appears to comprehend the substantial advantages to be achieved for treating cellulite by combining radiant heat, vacuum and massage as taught by claim 48. The prior art cited by the Examiner therefore does not, in harmony with MPEP 2141, "Basic Considerations which Apply to Obviousness Rejections", support a prima facie obviousness rejection of claim 48.

New claim 51 recites a method for treating cellulite deposits by massaging a region of skin using rotatable massage elements, applying vacuum to the region and heating the region with radiant heat. The combination of the three elements for treating cellulite, a rotatable massage element, a vacuum and heat is supported in numerous locations in the text (e.g. page 3 lines 3-10, page 5 line 19-page 6 line 6). Applicants submit that claim 51 is patentable for the same reasons that claim 48 is patentable.

New claim 49 recites a limitation recited in old claim 45 and new claims 50 and 52 recite a limitation of old claim 2. The new dependent claims are patentable through dependence on the new independent claims.

An action on the merits is respectfully awaited.

Respectfully submitted,
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